

Ellen Dowd, Esq.
 State Bar Number 141206
 2658 Del Mar Heights Road #228
 Del Mar, California 92014
 (858) 342-8360
 Fax (858) 755-6348
 ellendowd@sbcglobal.net

Attorney for Plaintiff, C.S

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

C.S., by and through his Conservator,)	CASE NO.: 08 CV 0226 W (AJB)
MARY STRUBLE, on behalf of himself)	PLAINTIFF'S APPLICATION FOR
and all others similarly situated,)	TEMPORARY RESTRAINING
)	ORDER
Plaintiff,)	
v.)	Date: To Be Set
)	Time: To Be Set
)	Judge: Hon. Thomas J. Whelan
CALIFORNIA DEPARTMENT OF)	
EDUCATION, a State Agency,)	
Defendant.)	

Plaintiff, C.S. ("Plaintiff"), through his attorney of record, hereby applies for a Temporary Restraining Order under Fed. R Civ. Proc. 65(b), immediately restraining Defendant, California Department of Education ("CDE") from renewing, awarding or otherwise contracting the Interagency Agreement for the provision of special education mediations and due process hearings for the term July 1, 2008-June 30, 2011, with California Office of Administrative Hearings, Special Education Division ("OAH"), in order to preserve the *status quo*; to wit: that the current Interagency Agreement No. 4427 for these due process services

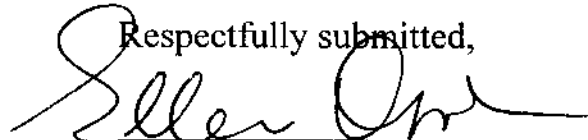
1 between CDE and OAH will expire of its own terms on June 30, 2008, pending a
2 hearing on a motion for preliminary injunction and/or permanent injunction herein.

3 This Application is made on the grounds that from the time of the inception
4 of the current Interagency Agreement, May 25, 2005 to present, CDE has allowed
5 OAH to violate the provisions of the Interagency Agreement, Individuals With
6 Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., as well the provisions
7 of the United States Constitution, and related state statutes, and state and federal
8 regulations, all of which were intended to benefit disabled students and their
9 parents, which has resulted in irreparable harm, and will continue to result in
10 irreparable harm to Plaintiff, and Class Members similarly situated.

11 This Application is based upon the pleadings on file, the accompanying
12 Memorandum of Points and Authorities, and Declarations submitted herewith, and
13 supplemental declarations that may be submitted. This Application is made on
14 notice to CDE, as set forth in the accompanying Certificate of Service.

15 Dated: February 19, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ellen Dowd", is written over a horizontal line.

Ellen Dowd, Attorney for
Plaintiff, C.S.